IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 2264 of 2002
DR.S.L.LODHA
V/S
MAHARISHI DAYANAND SARASWATI UNI.& ORS

Mr. S. SARUPARIYA, for the petitioner
Mr. GK VYAS, for the respondent

Date of Order : 11.2.2005

HON'BLE SHRI R P VYAS,J.

ORDER

The instant petition has been filed by the petitioner on the ground that after his retirement from the post of Reader from the M.D.S. University, Ajmer he has not been paid provident fund, gratuity and other retiral benefits. Not only that, but even pensionary benefits have also not been extended to him till date.

Brief facts giving rise to the instant petition are as follows:

The petitioner was initially appointed as a Reader and joined the post on 16.4.1987 in the pay scale of Rs.1200-1900 under the Rajasthan University -respondent No.4 and served there till 17.4.1992. Thereafter, the petitioner was selected as a Reader under the M.D.S. University- respondent No.2 and joined the post of Reader on 18.4.1992. He served

there till the date of superannuation i.e. up to 30.6.1999.

In the instant petition, the main grievance raised by the petitioner is that on his attaining the age of superannuation, he has not been given the retiral and pensionary benefits. It is submitted by the learned counsel for the petitioner that the services rendered by the petitioner in the Rajasthan University w.e.f. 16.4.1987 as well as the service rendered in M.D.S. University should be counted jointly and accordingly all retiral benefits should be given to him. It is further submitted that despite all efforts, nothing has been done by both the Universities, therefore, the petitioner could not get the retiral benefits from the date of retirement till date. The petitioner also filed office order dated 25.9.99 (Annexure P/2), wherein a decision was taken that with reference to letter No.P-3(4)/Shiksha-4/91 dated 8.12.1998 and direction Appendix "Ka" issued by the State Government, the services rendered by an employee of any other University in Rajasthan would be counted for the purpose of giving granting and pensionary benefits, as admissible according to Service Rules.

It is also submitted by the learned counsel

for the petitioner that the respondent No.1 also issued an order dated 22.11.1997 (Annexure 3)wherein it was alleged that the services of employees of the MDS University, performed in other Universities shall be counted for the purpose of pension and gratuity, subject to the condition that they have not received the amount of contribution from earlier university and the same has been transferred to this University along with accrued interest.

In pursuance to the application submitted by the petitioner, the PF amount Rs.2,65,106.23 and other benefits were transferred to the MDS University vide letter dated 16.9.99 (Annexure P/5). In these circumstances, learned counsel for the petitioner prayed that the respondents may be directed to provide him all retiral benefits as well as pensionary benefits, admissible under the Service Rules.

Learned counsel Mr. G.K. Vyas, appearing for the MDS University, Ajmer raised certain points, but till date, no reply has been filed and there is no material on the record to explain the stand of the MDS University, Ajmer.

It is admitted position on record that despite all efforts made by the petitioner, he has not

been paid retiral benefits, admissible under Service Rules from the date of superannuation, till date and no specific reason has been assigned for not providing the retiral benefits to the petitioner.

Looking to the overall facts and circumstances of the case, in the interest of justice, I deem it just and proper to direct MDS University as well as the Rajasthan University to consider the case of the petitioner regarding retiral benefits at their level, after affording a reasonable opportunity of personal hearing to the petitioner. The petitioner is free to make a fresh representation, if any, within a period of 15 days from today. Both the Universities are directed to take into consideration the representations and all relevant facts and decide the matter within a period of two months from the date of receipt of a certified copy of this order by passing a speaking and reasoned order, strictly in accordance with the Rules. In case, the petitioner is aggrieved by the order passed by the concerned Universities, he shall be at liberty to file a fresh writ petition.

With the aforesaid observations and directions, the writ petition stands disposed of.

(**R P VYAS**),J.

/Anil/